

Filed for intro on 02/01/2001
HOUSE BILL 151 By
Brooks

SENATE BILL 679
By Ford J

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to handguns.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1301, is amended by adding the following as a new item:

(_) "Personalized handgun" means any handgun which incorporates within its design, and as part of its original manufacture, technology which automatically limits its operational use, and which cannot be readily deactivated, so that it may only be fired by an authorized or recognized user. The technology limiting the handgun's operational use may include, but not be limited to, radio tagging, touch memory, remote control, fingerprint, magnetic encoding, and other automatic user identification systems utilizing biometrics, mechanical and electronic systems.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as appropriately designated new sections:

Section 39-17-13___. (a) On and after the effective date of this act, no person registered or licensed by the state or federal government as a manufacturer, a wholesale dealer of firearms, an employee of a wholesale dealer of firearms, a retail dealer of

firearms, or an employee of a retail dealer of firearms, shall transport into this state, sell, expose for sale, possess with the intent of selling, assign or otherwise transfer any handgun unless it is a personalized handgun, as defined in §39-17-1301, and is identified as such on the list prepared and made available by the department of safety pursuant to this act.

(b) A registered or licensed manufacturer or dealer or employee thereof who violates the provisions of this section is guilty of a Class E felony.

Section 39-17-13___. To effectuate the purposes of this act, the department of safety shall prepare and make available to registered and licensed manufacturers and dealers a list of those personalized handguns that may be transported into this state, sold, exposed for sale, possessed with the intent of selling, assigned or otherwise transferred in accordance with the provisions of this act. The commissioner of safety may amend and supplement the list at such times as the commissioner deems appropriate. Registered and licensed manufacturers and dealers shall be notified forthwith of any changes in the list. The notice shall be given in a manner prescribed by the department of safety.

Section 39-17-13___. (a)The provisions of this act imposing limitations on the transporting, selling and transferring of certain handguns shall not apply to handguns made available for purchase by or the official use of the state and local law enforcement officers of this state; federal law enforcement officers and any other federal officers and employees required to carry firearms in the performance of their official duties; and members of the armed forces of the United States or of the national guard while actually on duty.

(b) The transporting, selling, exposing for sale, possessing for sale, assigning or transferring of a handgun exempted under the provisions of this section shall be in accordance with procedures prescribed by the department of safety.

(c) A registered or licensed manufacturer or dealer or employee thereof who violates the provisions of this section is guilty of a Class E felony.

Section 39-17-13 __. (a) There is established a personalized handgun study commission to study and monitor the implementation of this act in order to assess the act's impact on handgun sales and transfers; law enforcement and crime; public safety and handgun accidents; the availability of personalized and non-personalized handguns; and the availability and effectiveness of technology to transform non-personalized handguns into personalized handguns. Upon the conclusion of its study and assessment, the commission shall report its findings, along with any recommendations it may have, to the governor and the general assembly.

(b) The commission shall consist of nine (9) members and shall include the commissioner of safety, or his designee, who shall serve as the chair of the commission; the commissioner of health or his designee; the chief of the Tennessee highway patrol; the director of the Tennessee bureau of investigation; a representative of the Tennessee chiefs of police association; a representative of the Tennessee sheriffs' association; and three (3) public members appointed by the governor. Of the three (3) governor appointees, one (1) shall be a representative of a handgun manufacturer and two (2) shall be representatives of recognized organizations devoted to reducing firearm violence. The governor shall strive to ensure that at least one (1) such citizen serving on the commission is a member of a racial minority. Any vacancy in the membership shall be filled in the same manner as the original appointment.

(c) All members shall serve without compensation, but shall be eligible for reimbursement for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(d) The commission shall organize as soon as may be practicable after the appointment of its members. The members shall select a secretary who need not be a member of the commission.

(e) The commission is entitled to the assistance and service of the employees of any state, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes, and to employ stenographic and clerical assistance and incur traveling and other miscellaneous expenses as may be necessary in order to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purposes.

(f) The commission may meet and hold hearings at the places it designates during the sessions or recesses of the general assembly and shall report its findings and recommendations to the governor and the general assembly, along with any legislative proposals it desires to recommend for adoption by the general assembly, no later than twenty-four (24) months after the effective date of this act.

SECTION 3. This act shall take effect on the first day of the thirty-seventh (37th) month following enactment, the public welfare requiring it. For the purpose of promulgating rules and other administrative action necessary for the implementation of this act, this act shall take effect upon becoming a law, the public welfare requiring it.